

## **REMARKS**

Prior to this Reply, Claims 1-15 and 19 were pending. Through this Reply, Claims 1, 10, 11, 15 and 19 have been amended; Claim 7 has been cancelled; and, Claims 21 and 22 have been added. Accordingly, Claims 1-6, 8-15, 19, 21 and 22 are now at issue in the present case.

### **I. Drawings**

The Examiner objected to the drawings because they contained pencil overwriting and taped-on alterations. Furthermore, the Draftsperson objected to the drawings for reasons set forth in Form PTO 948 mailed April 1, 2002.

In response, Applicants are submitting replacement figures 1, 2, 3A, 3B, 4, 5, 6A, 6B, 6C, 7A, 7B, 7C, 8A, 8B, 9A, and 9B (contained on Replacement Sheets 1-5). In addition, to attending to the objections set forth by the Examiner in the Office Action and by the draftsperson in Form PTO 948, Applicants have amended Figs. 1 and 2 to remove the parenthetical language adjacent to the reference numerals and to remove the figure descriptions at the bottom of Figs. 1 and 2. Applicants have also removed the dark shading in Figs. 2, 3A, 3B, 4, 5, 7A, 7B, 7C, 8A, 8B, 9A and 9B. Further, Applicants have amended Fig. 3B to remove the three rectangular boxes in the upper-left portion of the figure, along with the lead lines corresponding to the boxes. In addition, Fig. 3B has been amended to remove the figure description located near the bottom of Fig. 3B. Also, Fig. 4A has been renumbered so that it is now Fig. 4. Finally, Figs. 8A and 8B have been amended to remove the boxes, including the language included therein, that are adjacent to certain reference numerals. No new matter has been added.

## **II. Amendments to the Specification**

Applicants have amended the Specification to delete the parenthetical expression “(PRIOR ART)” from the figure description for Figs. 1 and 2, since the words “prior art” appear in Figs. 1 and 2. Applicants have also amended the Specification to change the figure description for Fig. 4A to Fig. 4, so that the figure descriptions match the remainder of the text of the application. No new matter has been added.

## **III. Rejection of Claims 1-15 and 19 Under 35 U.S.C. § 103(a)**

The Examiner rejected Claims 1-15 and 19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,418,666 to Mihara et al. (hereinafter “Mihara”). Applicants traverse the Examiner’s rejection.

Claim 1 has been amended to substantially include the limitations of original Claim 7. With respect to original Claim 7, the Examiner stated that Mihara is silent regarding the specific shape set forth in original Claim 7. The Examiner then noted that the combs of Mihara perform exactly the same function in exactly the same way as the combs of the claimed shape. Therefore, the Examiner concluded that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the device of Mihara with the claimed shape as is notoriously well known in the art. The Examiner reasoned that one of ordinary skill in the art would have been motivated to arrive at the claimed shape in the course of routine experimentation and optimization in the absence of criticality to suit a particular application as is notoriously well known in the art. Applicants respectfully disagree.

Original Claim 7 stated that “at least one of the combs has a thickness that increases from the leading edge to the trailing edge.” As taught by U.S. Patent No. 6,097,568 to Ekhoﬀ

(hereinafter “Ekhoff”), which was submitted in an Information Disclosure Statement mailed February 3, 2003, it is not notoriously well-known in the art to provide a comb which has a thickness that increases from the leading edge to the trailing edge. In fact, Ekhoﬀ teaches the exact opposite.

Specifically, as set forth in Col. 5, lines 19-35, Ekhoﬀ teaches that “the thickness of the trailing edge 56 is preferably less than the thickness of the leading edge 54” (quoting Col. 5, lines 31-33, with emphasis added). Figure 3 of Ekhoﬀ shows leading edge 54 and trailing edge 56, with leading edge 54 having a thickness greater than trailing edge 56.

Accordingly, Ekhoﬀ specifically teaches away from a comb which “has a thickness that increases from the leading edge to the trailing edge” as required by original Claim 7. For at least this reason, Applicants submit that Claim 1, which substantially includes the limitation of original Claim 7, is patentably distinguishable from Mihara. For at least the same reasons, Applicants submit that Claims 2-6 and 8-10 (all of which depend directly or indirectly from Claim 1) are likewise patentably distinguishable from Mihara.

With respect to original Claim 7, Applicants believe that they have presented specific evidence as to why the claimed shape is not considered to be well-known in the art.

Accordingly, as set forth in MPEP § 2144.03 (page 2100-133), “the [E]xaminer must provide documentary evidence in the next Office action if the rejection is to be maintained” (emphasis added). In the absence of such documentary evidence, Applicants submit that Claim 1 is patentably distinguishable from Mihara.

Applicants have amended independent Claims 11 and 19 to include a limitation similar to that found in original Claim 7. For reasons similar to those provided with respect to Claim 1, Applicants submit that Claims 11 and 19 are patentably distinguishable from Mihara. In

addition, Applicants submit that Claims 12-15 (which depend from Claim 11) are patentably distinguishable from Mihara for at least the same reasons as Claim 11.

**IV. Amendments to Claims 10, 15 and 19**

Claims 10, 15 and 19 have been amended to correct certain obvious typographical errors. Specifically, Claims 10 and 15 have been amended to change the word “form” to “from.” Furthermore, Claim 19 has been amended to change the plural word “disks” to the singular word “disk.” Importantly, none of these amendments were made to distinguish any of the cited references.

**V. New Claims 21 and 22**

Applicants have added Claim 21 to require that “the trailing edge of the comb is substantially parallel to the leading edge of the actuator assembly when the actuator assembly is positioned to read a data track near the disk inner edge.” Support for this limitation can, at least, be found on page 11, lines 4-7 of the application and in Fig. 3B of the application.

Applicants submit that the above-quoted limitation is not found in Mihara or any other cited references. Accordingly, Applicants believe that Claim 21 is patentably distinguishable from the cited references.

New Claim 22 depends from Claim 21 and includes a limitation similar to that found in original Claim 7. Accordingly, for the reasons presented above, Applicants submit that Claim 22 is patentably distinguishable from the cited references.

## **VI. Information Disclosure Statement**

As mentioned above, Applicants submitted an Information Disclosure Statement, which was mailed to the U.S. Patent Office on February 3, 2003. Applicants request the Examiner to consider the materials submitted with the Information Disclosure Statement. If the Examiner needs another copy of the Information Disclosure Statement or any of the materials submitted therewith, the undersigned would be pleased to provide the Examiner with same.

## **VII. Additional Claim Fees**

In determining whether additional claim fees are due, reference is made to the Fee Calculation Table (below).

**Fee Calculation Table**

	Claims Remaining After Amendment		Highest Number Previously Paid For	Present Extra	Rate	Additional Fee
Total (37 CFR 1.16(c))	17	Minus	20	= 0	x \$18 =	\$ 0.00
Independent (37 CFR 1.16(b))	4	Minus	5	= 0	x \$86 =	\$ 0.00

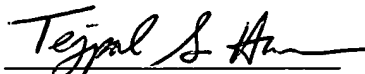
As set forth in the Fee Calculation Table (above), Applicants previously paid claim fees for twenty (20) total claims and for five (5) independent claims. Accordingly, Applicants believe that no additional claim fees are due. Nevertheless, Applicants hereby authorize the Commissioner to charge Deposit Account No. 50-2198 for any fee deficiencies associated with filing this paper.

## **VIII. Conclusion**

Applicants believe that the application appears to be in form for allowance. Accordingly, reconsideration and allowance thereof is respectfully requested.

The Examiner is invited to contact the undersigned at the below-listed telephone number regarding any matters relating to the present application.

Respectfully submitted,



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